



**LEWIS H. WARRIX**  
**Breathitt County Judge Executive**

1137 Main Street  
Jackson, Kentucky 41339

Phone (606) 666-3800  
Fax (606) 666-3813

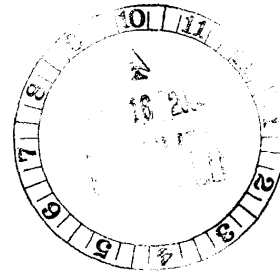
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November 15, 2004

ENTERED  
Office of Proceedings

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K St., NW, Room 711  
Washington, DC 20423

Part of  
Public Record



Re: R.J. Corman Railroad Company – Abandonment Docket No. AB-875X  
Dawkins Line in Breathitt, Magoffin and Johnson Counties

Dear Secretary Williams:

This request is filed on behalf of Judge-Executive Roger "Tucker" Daniel and the Johnson County Fiscal Court, Judge-Executive Bill May and the Magoffin County Fiscal Court and myself, Judge-Executive Lewis Warrix and the Breathitt County Fiscal Court, which are government agencies interested in conservation and a recreation trail along the line proposed for abandonment, thereafter referred to as "proponents."

Proponents request issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between railroad milepost .05 at Dawkins, Kentucky and the end of the line at railroad milepost 36.13 at Evanston, Kentucky, a distance of 36.08 miles in Breathitt, Magoffin and Johnson Counties.

**A. Request For Public Use Condition**

Proponents ask the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms.

Justification for this condition is:

The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and open space and its preservation, as a recreational trail is consistent with those purposes.

The time period sought is 180 days from the effective date of the abandonment authorization. Proponents need this much time to complete a trail plan and begin negotiations with the carrier.

 **FILING FEE WAIVED**

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels.

The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

#### **B. Request For Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

#### **STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

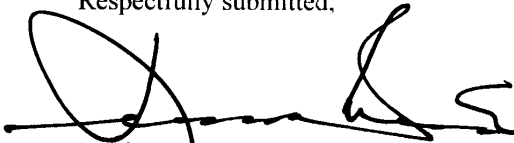
In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, Breathitt, Magoffin and Johnson Counties are willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by R.J. Corman Railroad Company.

The property, known as the Dawkins Line, extends from railroad milepost .05 at Dawkins, Kentucky to the end of the line at railroad milepost 36.13 at Evanston, Kentucky, a distance of 36.08 miles in Breathitt, Magoffin and Johnson Counties. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-875X. A map depicting the right-of-way is attached.

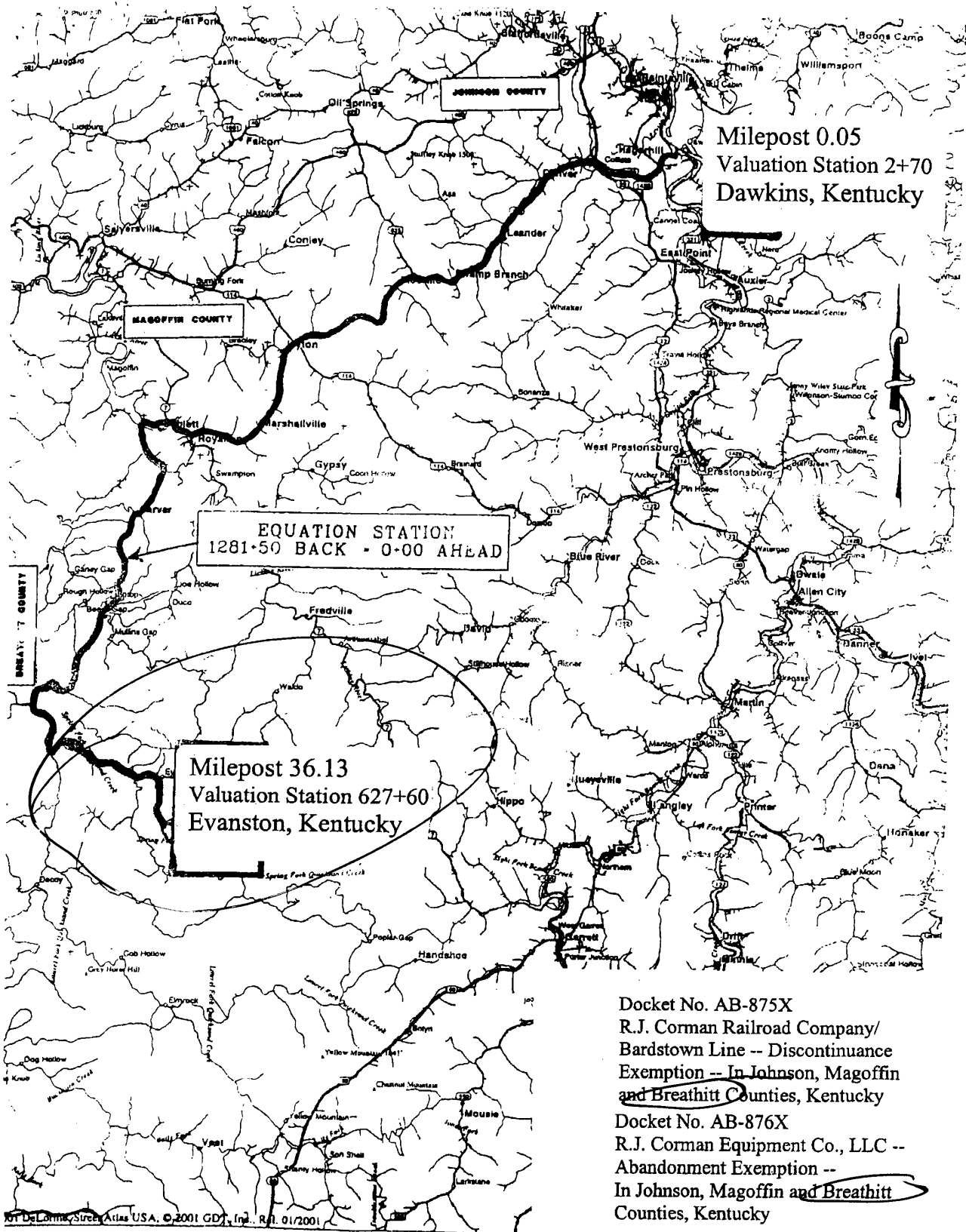
Breathitt, Magoffin and Johnson Counties acknowledge that use of the right-of-way is subject to the users continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon RJ Corman Railroad Group, PO Box 788, One Jay Station, Nicholasville, KY 40356, by U.S. Mail, postage pre-paid, first class, this 15th day of November, 2004.

Respectfully submitted,



Lewis H. Warrix,  
Breathitt County Judge-Executive



Docket No. AB-875X  
 R.J. Corman Railroad Company/  
 Bardstown Line -- Discontinuance  
 Exemption -- In Johnson, Magoffin  
 and Breathitt Counties, Kentucky  
 Docket No. AB-876X  
 R.J. Corman Equipment Co., LLC --  
 Abandonment Exemption --  
In Johnson, Magoffin and Breathitt  
 Counties, Kentucky